

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 13TH AUGUST 2007 / 22ND SRAVANA 1929

Bail Appl..No. 4888 of 2007()

CRIME NO.1146/07 OF S.I. OF POLICE, PERUMBAVOOR.

PETITIONER/ACCUSED

SHAMEER, S/O.AMBADAN VEETIL PAREEKUTTY,
CHELLAMATTAM VILLAGE, VALLANKARA,
PERUMBAVOOR.

BY ADV. SRI.K.V.SOHAN
SRI.N.C.MOHANAN

RESPONDENTS:

STATE OF KERALA,
S.I.OF POLICE, PERUMBAVOOR,
(ACRIME NO,.1146/2007) REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA.

BY PUBLIC PROSECUTOR SRI.S.U. NAZAR.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 13/08/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

R. BASANT, J.

B.A. No. 4888 OF 2007

Dated this the 13th day of August, 2007

ORDER

Application for anticipatory bail. The petitioner faces allegations in a crime registered under Secs.3 and 7 of the Essential Commodities Act. The crux of the allegations is that about 400 litres of kerosene in two barrels meant for public distribution system were found available in the porch in possession of the petitioner without any valid reason. The seizure was effected. A crime was registered. Investigation is in progress. The petitioner apprehends imminent arrest.

2. The learned counsel for the petitioner submits that the petitioner is absolutely innocent. It is prayed that anticipatory bail may be granted to the petitioner.

3. The learned Public Prosecutor opposes the application. There is no explanation whatsoever for possession of the kerosene meant allegedly for distribution through ration

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dealers. In any view of the matter, the petitioner does not deserve the invocation of the discretion under Sec.438 of the Cr.P.C., submits the learned Public Prosecutor.

4. Having considered all the relevant inputs, I find merit in the opposition by the learned Public Prosecutor. No circumstances have been urged to show that there are any features in this case which would justify the invocation of the discretion under Sec.438 of the Cr.P.C. This, I am satisfied, is a fit case where the petitioner must appear before the Investigating Officer or the learned Magistrate having jurisdiction and then seek regular bail in the ordinary course.

5. In the result, this bail application is dismissed; but with the observation that if the petitioner surrenders before the Investigating Officer or the learned Magistrate and seeks bail, after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass appropriate orders on merits and expeditiously.

**Sd/-
(R. BASANT, JUDGE)**

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P.S. to Judge